



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10

1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

DEC 20 2010

OFFICE OF
COMPLIANCE AND ENFORCEMENT

Reply To
Attn Of: OCE-133

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mike Dexter, VP and General Manager
Hecla Mining Company (dba Hecla Ltd.)
Lucky Friday Mine and Mill
P.O. Box 31
Mullan, ID 83846

Re: Notice of Intent to Seek Penalties for Clean Water Act Violations
Opportunity to Confer Prior to Filing
Lucky Friday Mine, NPDES Permit No. ID-000017-5

Dear Mr. Dexter:

Based on information provided to the U.S. Environmental Protection Agency (EPA), EPA believes that you have violated certain requirements of the Clean Water Act (Act), 33 U.S.C. § 1251 *et seq.* at the Lucky Friday Mine and Mill (Facility) located near Mullan, Idaho. This letter is to notify you that EPA is prepared to initiate an action for civil penalties for these violations. By this letter, we are providing you with the opportunity to discuss these matters with EPA prior to the filing of a complaint.

The alleged violations of the Clean Water Act at your Facility arise from unpermitted discharges of wastewater into Harris Creek and effluent limit violations of your NPDES Permit. You are allowed to discharge under certain conditions and requirements as described in NPDES Permit No. ID-000017-5 issued under Section 402 of the Act, 33 U.S.C. § 1342. Section 309 of the Act, 33 U.S.C. § 1319(g), authorizes EPA to assess administrative civil penalties for violations of the Act up to \$16,000 per day of violation.

Pre-filing discussions allow us to reach a better understanding of issues where our information may be incomplete, and can lead to resolution of enforcement matters without resorting to the time and expense of litigation. If we are able to reach a settlement, no complaint would be filed; instead, we would resolve the case with an administrative consent agreement and final order. If we do not settle within 30 days of initiating negotiations, EPA will either file an administrative complaint under Section 309(g) of the Act and the case will be assigned to an

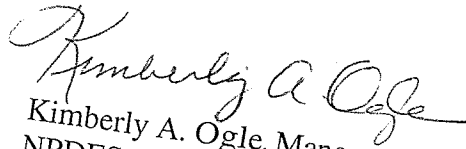


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administrative law judge, or EPA will refer the matter to the Department of Justice for filing in federal district court under Section 309(b) of the Act.

If you wish to schedule a meeting, or if you have any questions about this letter, please contact Cara Steiner-Riley, Assistant Regional Counsel, at (206) 553-1142 within 14 days of receipt of this letter. Technical questions may be directed to Eva DeMaria at (206) 553-1970.

Sincerely,


Kimberly A. Ogle, Manager
NPDES Compliance Unit

Attachment

ATTACHMENT: ALLEGED VIOLATIONS

Part I.A.1. of the Permit states, "The permittee must limit and monitor discharges from outfalls 001, 002, and 003, as specified in Tables 1, 2, 3, and 4, below. All figures represent maximum effluent limits unless otherwise indicated. The permittee must comply with the effluent limits in the tables at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit." Section 301(a) of the CWA requires an NPDES permit for the discharge of pollutants into waters of the U.S.

Table 1 below describes the effluent limit violations:

Table 1. Description of Effluent Limit Violations

Date	Outfall	Parameter	Limit	Sample	Type
5/27/09	003	Pb	75 ug/l	107 ug/l	Daily
May	003	Pb	45 ug/l	49.7 ug/l	Monthly (31)
6/10/09	002	Zn	190 ug/l	235 ug/l	Daily
6/12/09	003	Pb	75 ug/l	80.5 ug/l	Daily
6/15/09	003	Pb	75 ug/l	93.4 ug/l	Daily
6/17/09	003	Pb	75 ug/l	96.3 ug/l	Daily
6/29/09	003	Pb	75 ug/l	84.0 ug/l	Daily
6/30/09	003	Pb	75 ug/l	89.7 ug/l	Daily
June	003	Pb	45 ug/l	54.6 ug/l	Monthly (30)
7/2/09	003	Pb	75 ug/l	115.0 ug/l	Daily
7/3/09	003	Pb	75 ug/l	94.4 ug/l	Daily
7/4/09	003	Pb	75 ug/l	79.7 ug/l	Daily
7/6/09	003	Pb	75 ug/l	85.0 ug/l	Daily
7/7/09	003	Pb	75 ug/l	82.5 ug/l	Daily
7/8/09	003	Pb	75 ug/l	116 ug/l	Daily
7/9/09	003	Pb	75 ug/l	89.5 ug/l	Daily
7/20/09	003	Pb	75 ug/l	125 ug/l	Daily
7/21/09	003	Pb	75 ug/l	120 ug/l	Daily
7/22/09	003	Pb	75 ug/l	126 ug/l	Daily
7/23/09	003	Pb	75 ug/l	85.0 ug/l	Daily
July	003	Pb	45 ug/l	63.1 ug/l	Monthly (31)
8/5/09	003	Pb	75 ug/l	148 ug/l	Daily
8/6/09	003	Pb	75 ug/l	150 ug/l	Daily
8/7/09	003	Pb	75 ug/l	96.9 ug/l	Daily
12/24/09	003	Zn	260 ug/l	315 ug/l	Daily

Total effluent limit violations: 114

Non-effluent limit violations: Section 301(a) of the CWA for unpermitted discharges from the south toe of Pond 3 on a daily basis since at least March 22, 2010 through June 30, 2010, the date when Hecla began pumping the bench seepage back to Pond 3.

Total non-effluent limit violations: 101

Total violations: 215